



# **FREDERICK COUNTY PLANNING COMMISSION**

## **December 11, 2013**

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**TITLE:** **H&H Concrete Construction Company**

**FILE NUMBER:** **SP-13-13, AP# 13864, APFO# 13866, FRO# 13867**

**REQUEST:** **Site Development Plan Approval**  
The Applicant is requesting Site Development Plan approval for a 2,400 square foot contractor's office and two 15,600 square foot buildings for storage of vehicles and equipment, on an 8.02-acre site

### **PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 4 County Drive, located south of I-70, west of MD 27

**TAX MAP/PARCEL:** Tax Map 90, Parcel 82

**COMP. PLAN:** Limited Industrial

**ZONING:** Limited Industrial

**PLANNING REGION:** New Market

**WATER/SEWER:** W-5/S-5

### **APPLICANT/REPRESENTATIVES:**

**APPLICANT:** H&H Concrete Construction, Inc.

**OWNER:** H&H Concrete Construction, Inc.

**ENGINEER:** Terra Solutions Engineering, LLC

**ARCHITECT:** N/A

**ATTORNEY:** N/A

**STAFF:** Tolson DeSa, Principal Planner II

**RECOMMENDATION:** Conditional Approval

### **ATTACHMENTS:**

Exhibit 1- Site Plan Rendering  
Exhibit 2-Parking Space Modification  
Exhibit 3-Loading Space Modification

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting site plan approval for a 2,400 square foot contractor's office and two 15,600 square foot buildings for storage of vehicles and equipment, on an 8.02-acre site. The proposed use is being reviewed as a "Contractor's Office and Storage" land use under the heading of *Wholesale and Processing* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the Limited Industrial Zoning District subject to site development plan approval.

## BACKGROUND

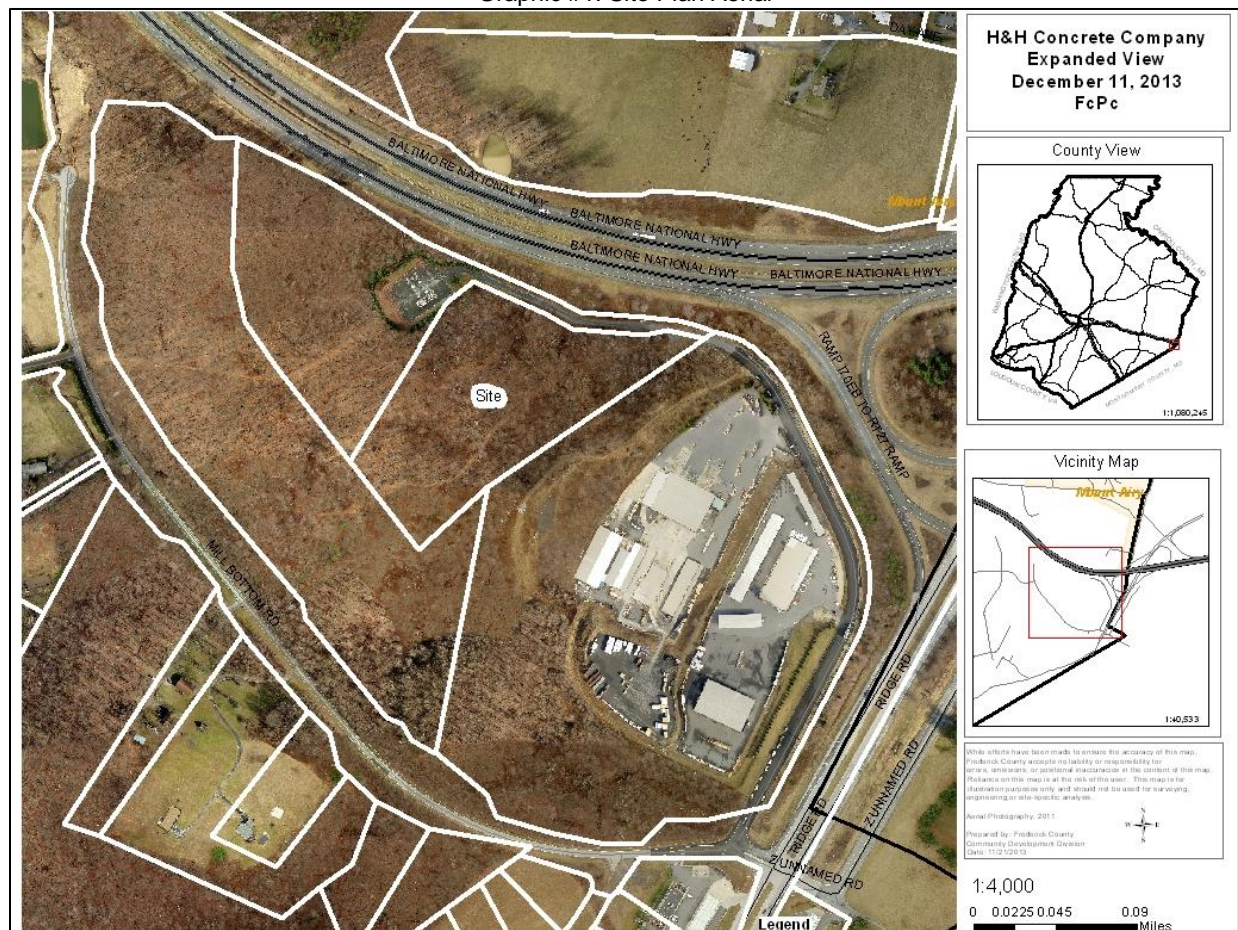
### Development History

This site had prior subdivision plan approval, which was recorded in November of 1997 as a plat of outlot for the electric substation as well as an addition plat, which removed an existing lot line in order to create the lot layout that is present today.

### Existing Site Characteristics

The site is currently zoned Limited Industrial, and is a vacant forested parcel. The property is bordered to the north by I-70. The parcel to the west of the site is developed with an electric substation. The property to the east is developed with a 57,246 square foot warehouse facility. The property to the south is a vacant wooded parcel zoned Resource Conservation. See Graphic #1 below.

Graphic #1: Site Plan Aerial



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# ANALYSIS

## Summary of Development Standards Findings and Conclusions

The key issues associated with this land development were designing a layout that worked with the Applicant's business. The Applicant's business model calls for a large amount of storage without a large amount of vehicular parking or large loading areas. Staff also worked with the Applicant on an overall site redesign in order to preserve a 30" White Oak as well as a large amount of existing forested areas on all borders of the site.

## Detailed Analysis of Findings and Conclusions

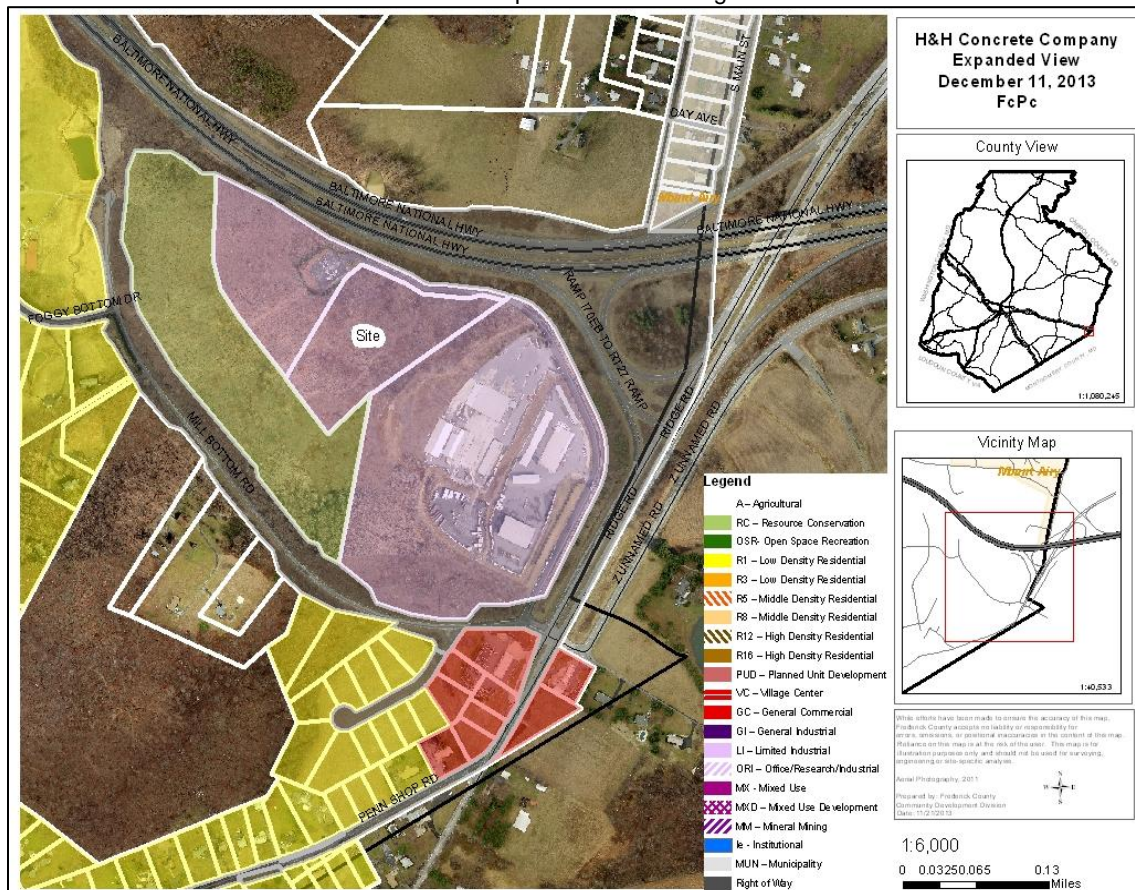
Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

## Findings/Conclusions

- 1. Dimensional Requirements/Bulk Standards §1-19-6.100:** The LI zoning district requires a front yard setback of 25', a side yard setback equal to the height of the structure, a rear yard setback of 20', and a maximum height of 60'. The proposed site plan meets all of the dimensional requirements and bulk standards within the LI Zoning District. See Graphic #2 below.

Graphic #2: Site Zoning



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2. **Signage §1-19-6.300:** In accordance with Zoning Ordinance (Z.O.) Section 1-19-6.320, the Applicant is entitled to 77 square feet of signage. The Applicant is proposing an entry sign along the main access road into the site. The final design of the sign is yet to be determined although the maximum square footage will not exceed 77 square feet. The proposed sign adheres to the sign setback requirements of Section 1-19-6.300.
3. **Landscaping §1-19-6.400:** The Applicant has submitted a landscape plan in accordance with the requirements of §1-19-6.400. The Applicant is proposing to retain a significant amount of landscaping around the periphery of the site in order to satisfy the screening requirements. In addition to the on-site preservation the Applicant is also proposing to augment the site with 26 deciduous trees that will provide visual interest to the site as well as increase the canopy cover and screening. The Applicant has also redesigned the overall layout of the site in order to preserve an existing 30" white oak.
4. **Screening §1-19-6.400:** Landscape screening is provided through the retention of the existing trees around the perimeter of the site. The Applicant will also supplement the existing forested areas with additional landscaping around the perimeter of the storage lot.
5. **Lighting §1-19-6.500:** The site will be lit by building mounted lights only. The Applicant is proposing building mounted lights at a height not to exceed 24'. The Applicant has noted compliance with the requirements of Z.O. Section 1-19-6.500 on the site plan, there will be no light spillage above 0.5 foot candles at the periphery of the property.

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

### **Findings/Conclusions**

1. **Access/Circulation:** Site access will be achieved via a 22' wide full movement access point onto Quad County Court.
2. **Connectivity §1-19-6.220 (F):** Due to the site location, topography and use there are limited opportunities for inter parcel connection.
3. **Public Transit:** This site is not served by Transit.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The Applicant is proposing a 2,400 square foot office and a combined 31,200 square feet of warehouse space. The required parking for an office use is one space for every 300 square feet of office area. Therefore, the Applicant is required to provide 8 parking spaces for the office use. The required parking for a warehouse space is 1 space for every 1,000 square feet of warehouse area. Therefore, the Applicant is required to provide 32 parking spaces for both warehouse buildings. Based on this information, the Applicant is required to provide a total of 40 parking spaces for the proposed office and warehouse area; the Applicant has requested a total of 14 parking spaces plus 3 ADA accessible parking spaces.

The Applicant is seeking a parking space modification in accordance with Z.O. §1-19-6.220.A.1, for proposing 26 parking spaces under the target, See Exhibit #2. Due to the fact that the Applicant expects low volumes of customer and employee traffic on-site, Staff has no objection to the requested parking space modification.

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The Applicant is required to provide 4 large loading spaces for a building totaling 33,600 square feet in accordance with the requirements of §1-19-6.210. Based on the proposed use, the Applicant does not anticipate the need for dedicated loading spaces since there is rarely a need for tractor trailer delivery and the site is proposed to be gravel and open for vehicular circulation.

Therefore the Applicant is requesting a loading space modification in accordance with §1-19-6.210.(D), for one small loading space, rather than the required four large spaces, See Exhibit #3. In the future, if additional loading is needed there is adequate gravel area surrounding the proposed expansion area to be used for loading.

Staff has no objection to the loading space modification request.

5. **Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. Section 1-19-6.220, the Applicant is not required to provide bike racks.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The site is an industrial place of business used for a Contractor's Office and Storage without any retail component. All employees will park in the parking spaces adjacent to the respective buildings. The Applicant has proposed an ADA accessible route from the proposed office to the ADA accessible parking spaces.

### **Conditions**

1. Approval of the vehicle parking space modification in accordance with 1-19-6.220.A.3, for the 26 spaces under target.
2. Approval of the Loading space modification in accordance with 1-19-6.210, to allow 1 small loading space, instead of the required 4.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

### **Findings/Conclusions**

1. **Private Well and Septic:** The Property has water and sewer classification of W-5, S-5 in the County's *Master Water and Sewer Plan*. The Health Department is requiring that the Applicant obtain a Groundwater Appropriations Permit is required prior to final site plan approval. This site is served by private well and septic system.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

1. **Topography:** The site elevation sits approximately 20 feet above I-70. The overall site contains a majority of slopes with a grade of less than 5%, the eastern and southern borders of the site contain slopes with grades exceeding 15% and less than 25%, the majority of these areas are within the proposed forest conservation area.

2. **Vegetation:** The site is surrounded by a significant stand of existing deciduous and evergreen trees. The Applicant is retaining the majority of the existing stands in order to fulfill the screening requirements of 1-19-6.500.
3. **Sensitive Resources:** Although the site is within the Wellhead Protection Area, the Contractors Office and Storage land use is a principal permitted use subject to site development plan approval. The development would be subject to the provisions of the Wellhead Protection Ordinance in section 1-6-50 of the Frederick County Code.
4. **Natural Hazards:** There are no natural hazards located on this site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

### **Findings/Conclusions**

1. **Proposed Common Area:** The site is an industrial place of business used for manufacturing without any retail component. There are no common areas proposed.

### **Other Applicable Regulations**

**Moderately Priced Dwelling Units – Chapter §1-6A:** The proposed use is non-residential; therefore, MPDU's are not required.

**Stormwater Management – Chapter §1-15.2:** Stormwater management (SWM) is to be provided in accordance with the 2007 Maryland SWM Design Manual and the SWM Act of 2007. Environmental site design (ESD) is provided to the maximum extent practicable on this site, using micro-bioretenention and non-rooftop disconnection. A bioretention facility and dry extended detention pond provide a balance of the SWM requirements in an efficient footprint that minimizes tree removal. Steep slopes and heavy truck use preclude the use of other ESD practices.

**Subdivision Regulations – Chapter §1-16:** There is no subdivision activity proposed on this property.

### **APFO – Chapter §1-20:**

1. **Schools.** The site is a non-residential use and therefore exempt from school testing.
2. **Water/Sewer.** The Property has water and sewer classification of W-5/S-5 in the County's *Master Water and Sewer Plan* and is therefore exempt.
3. **Roads.** This project is exempt from testing because the site generates less than 50 new peak hour trips and there are no escrow accounts within the area of this proposed development.

**Forest Resource – Chapter 1-21:** This development is subject to FRO. A Combined Preliminary/Final FRO plan has been submitted and is conditionally approved. The site contains 7.97 acres of forest and one specimen tree (30" White Oak). The Applicant is meeting the FRO requirement by retaining 1.81 acres of existing forest, protecting the specimen tree, and providing 0.93 acres of forest banking credits. The FRO plan must be approved and signed prior to Site Plan approval. FRO easement recordation and the transfer of FRO banking credits must be provided prior to applying for grading or building permits, whichever is applied for first.

**Historic Preservation – Chapter 1-23:** There are no sensitive historic resources on this property.

#### Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Conditional Approval
<b>Development Review Planning:</b>	Hold: Address all agency comments as the plan proceeds through to completion.
<b>State Highway Administration (SHA):</b>	N/A
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	N/A
<b>Health Dept.</b>	Hold: Groundwater Appropriations Permit is required. Application will be emailed to surveyor.
<b>Office of Life Safety</b>	Approved
<b>DPDR Traffic Engineering</b>	Approved
<b>Historic Preservation</b>	N/A

### **RECOMMENDATION**

Staff has no objection to conditional approval of the Site Plan. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. The FRO plan must be approved and signed prior to Site Plan approval. FRO easement recordation and the transfer of FRO banking credits must be provided prior to applying for grading or building permits, whichever is applied for first.
3. Approval of the vehicle parking space modification in accordance with 1-19-6.220.A.1, for the 26 spaces under target.
4. Approval of the Loading space modification in accordance with 1-19-6.210, to allow 1 small loading space, instead of the required.
5. The proposed development is subject to the provisions of the Wellhead Protection Ordinance in section 1-6-50 of the Frederick County Code.
6. The Applicant must obtain a Groundwater Appropriations Permit prior to final site plan approval.

### **PLANNING COMMISSION ACTION**

#### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** SP-13-13 Site Development Plan for H & H Concrete **with conditions** as listed in the staff report for the proposed 2,400 square foot contractor's office and two-15,600 square foot building for storage of vehicles and equipment, on a 8.02-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

**H&H Concrete Construction Company**

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## **Terra Solutions Engineering, LLC**

*Commercial & Residential Land Planning and Engineering*

*"Solutions through experienced Engineering"*

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New Market, Maryland 21774

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Fax: 301-798-2593

October 16, 2013

Frederick County Department of  
Permitting & Development Review  
30 North Market Street, 3<sup>rd</sup> Floor  
Frederick, Maryland 21701-4300  
Attn: Mr. Tolson Desa

RE: **H&H Concrete Construction – Parking Modification Justification  
Site Plan  
Tax Map 90, Parcel 82  
Situated along Quad County Court  
Project No.: 13864**

Dear Mr. Tolson Desa:

We respectfully request a parking modification for the H&H Concrete Construction Site Plan. H&H Concrete Construction, Inc. is a contractor who forms and finishes concrete and asphalt projects. Three buildings are proposed on the 8-acre site. The main building on the site is a contractor's office which is expected to have two staff during the day. The other two buildings will be used for vehicle and equipment storage, with parking provided at each building for the employees as they take company vehicles out for the day. The calculations as indicated on the Site Plan (per 1-19-6.220.A(4)) allow for 40 spaces. The maximum expected need for the site is 14 spaces to satisfy employee and customer needs, therefore a modification is requested for a reduction in required parking.

Comments can be sent to our office at the above address. Or, we can be reached at the above numbers. You can also e-mail any comments to [terasolutionsengineering@gmail.com](mailto:terasolutionsengineering@gmail.com). If you have any questions or comments concerning this submission, please contact me at the phone numbers listed above. Thank you for your assistance with this project.

Sincerely,

**Terra Solutions Engineering, LLC**



Michael Swanson, PE  
Vice President, Engineering

Cc: Mr. Lawrence Hodgkiss

H&H Concrete Construction, Inc.

## **Terra Solutions Engineering, LLC**

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*"Solutions through experienced Engineering"*

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Frederick, Maryland 21703

Phone: 301-378-9842

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November 21, 2013

Frederick County Department of  
Permitting & Development Review  
30 North Market Street, 3<sup>rd</sup> Floor  
Frederick, Maryland 21701-4300  
Attn: Mr. Tolson Desa

RE: **H&H Concrete Construction – Loading Space Modification Justification  
Site Plan  
Tax Map 90, Parcel 82  
Situated along Quad County Court  
Project No.: 13864**

Dear Mr. Tolson Desa:

We respectfully request a loading space modification for the H&H Concrete Construction Site Plan. H&H Concrete Construction, Inc. is a contractor who forms and finishes concrete and asphalt projects.

Per the ordinance, four large spaces are required. However, the site use precludes the need for dedicated loading spaces. There is rarely a need for tractor trailer deliveries for this site. This is an industrial site and there is no public vehicular or pedestrian traffic on this site or nearby. The gravel lot is wide open with plenty of room for loading without impeding traffic or vehicular maneuverability. A modification is requested to reflect no dedicated loading spaces on this site.

Comments can be sent to our office at the above address. Or, we can be reached at the above numbers. You can also e-mail any comments to [terrasolutionsengineering@gmail.com](mailto:terrasolutionsengineering@gmail.com). If you have any questions or comments concerning this submission, please contact me at the phone numbers listed above. Thank you for your assistance with this project.

Sincerely,

**Terra Solutions Engineering, LLC**



Michael Swanson, PE  
Vice President, Engineering

Cc: Mr. Lawrence Hodgkiss

H&H Concrete Construction, Inc.